

August 25, 2014

West Des Moines City Council Proceedings
Monday, August 25, 2014

Mayor Pro tem Kevin L. Trevillyan opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, August 25, 2014 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, and K. Trevillyan. Council member R. Trimble participated by telephone.

On Item 1. Agenda. It was moved by Sandager, second by Messerschmidt approve the agenda as presented.

Vote 14-368: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Messerschmidt reported he attended a meeting of the recently created Housing Tomorrow Committee, which is intended to address affordable housing with a particular focus on making sure there is sufficient housing near employment centers in the Des Moines metropolitan area.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed the proposed Memorandum of Understanding regarding a Special Census in 2015, which the subcommittee felt is a wise investment because of the additional road use tax revenue that could be generated.

City Manager Tom Hadden reported a disaster drill of an active shooter situation was conducted on August 18th at Valley Southwoods Freshman High School, which involved the Police Department, Fire Department, EMS Department, as well as staff from the West Des Moines School District. He commended all the staff involved with making this coordinated effort a success.

On Item 4. Consent Agenda.

Council members pulled Items 4(f) and 4(m) for discussion. It was moved by Messerschmidt, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of August 11, 2014 Meeting
- b. Approval of Bill Lists

- c. Approval of Liquor Licenses:
 - 1. Casey's Marketing Company, d/b/a Casey's General Store #2150, 2125 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
 - 2. Chocolate Storybook Too, d/b/a Chocolate Storybook, 1000 Grand Avenue - Class WB Wine Permit with Sunday Sales - Renewal
 - 3. 50th Street Sports, LLC d/b/a Draught House 50, 1300 50th Street, Suite 206 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 4. Jethro's Bacon Bacon, Inc. d/b/a Jethro's BBQ n'Bacon Bacon, 1480 22nd Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
 - 5. The Noodle Shop, Co. - Delaware, Inc., d/b/a Noodles & Company, 6630 Mills Civic Parkway, Suite 6110 - Class BW Permit with Sunday Sales and Outdoor Service - Renewal
 - 6. Walnut Brewery, Inc., d/b/a Rock Bottom Brewery - Class LC Liquor License with Sunday Sales, Brew Pub, High Proof Brew Pub, Catering and Outdoor Service Privileges - Renewal
 - 7. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue - Class LC Liquor License Extension of Outdoor Service - September 17, 2014
 - 8. Sakura Sushi, Inc., d/b/a Sakura Sushi, 1960 Grand Avenue, Suite 11 - Class LC Liquor License with Sunday Sales - Renewal
 - 9. Smashguys, LLC, d/b/a Smashburger, 1821 22nd Street, Suite #106 - Class B Beer Permit with Sunday Sales - Renewal
 - 10. Taste of the Junction, Inc., d/b/a Taste of the Junction - 5-Day Class B Beer Permit for Street Party Event in the 400 Block of Railroad Place, August 30, 2014 - New
 - 11. Old Market Ventures, LLC d/b/a Twin Peaks Restaurant, 4570 University Avenue - Class LC Liquor License Extension of Outdoor Service - September 4-7, 2014
- d. Approval of Temporary Parking - Valleyfest, October 11, 2014
- e. Approval of Appointments:
 - 1. Revised 2014-15 Committee and Other Assignments
 - 2. Bicycle Advisory Commission
- g. Approval of Change Order #3 - Public Works, Public Safety Station 19 and Fire Station 22 Mechanical System Improvements
- h. Approval of Letter of Support - Application to American Planning Association - Southwest Connector/Veteran's Parkway Corridor Location Study
- i. Approval of Lease Agreement - West Des Moines Community Center
- j. Approval of Grant Applications:
 - 1. Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls on 50th Street and 60th Street
 - 2. Main Street Challenge Grant
 - 3. Community Development Block Grant - Phenix Elementary
 - 4. State Economic Development Financial Assistance - Project Lakeview

August 25, 2014

- k. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Traffic Adaptive Signal Controls on University Avenue - 25th Street to 92nd Street
- l. Approval of Participation - Purple Heart Highway Interstate Signage
- n. Approval and Acceptance of Non-Interference Agreement - 6075 Mills Civic Parkway
- o. Approval and Acceptance of Easements - 39th Street Reconstruction Project
- p. Approval of Railroad Crossing Upgrade Agreement - 39th Street Paving Improvement Project
- q. Establish Consultation Meetings and Public Hearings:
 - 1. Val-Gate Urban Renewal Area
 - 2. Amendment #2 to Westtown V Urban Renewal Area
- r. Approval of Detour Agreement - I-80 Interchange at Jordan Creek Parkway
- s. Approval of Settlement Agreement Regarding a Vicious Animal
- t. Establishing Fair Market Value and Approving the Acquisition of Property - Ashworth Road Trail
- u. Approval of Waiver for Rock Crushing- Hallett Materials

Vote 14-369: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(f) Approval of Memorandum of Agreement - Special Census

Council member Trevillyan noted the Census Bureau estimates the current population of West Des Moines to be 63,586 people, but in a Des Moines Register article from 1998, the Census Bureau was estimating the population of West Des Moines would reach 62,921 in 2020.

It was moved by Trevillyan, second by Sandager to approve Item 4(f) Approval of Memorandum of Agreement - Special Census.

Vote 14-370: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 4(m) Order Construction - 5th Street Banner Pole Replacement Project

Council member Trimble inquired why the City is paying for this project since the signs are owned by the Historic Valley Junction Foundation.

Linda Schemmel, Planner, responded this is part of the City's streetscape project that was done in the 1980's.

It was moved by Trimble, second by Sandager to approve Item 4(m) Order Construction - 5th Street Banner Pole Replacement Project.

August 25, 2014

Vote 14-371: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Project Alluvion, South 5th Street between Pine Avenue and Iowa Highway 5 -
Vacate Public Street Right-of-Way, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the third reading of the ordinance.

Council member Trimble requested confirmation that the Great Western bike trail will be reconstructed in as good of shape as its current state or better.

Vote 14-372: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the third reading and adopt the ordinance in final form.

Duane Wittstock, City Engineer, stated staff has communicated with Polk County Conservation and they have provided assurance that the trail will be equal of better than what is there today. He noted the trail will remain open throughout the project with the use of detours.

Vote 14-373: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Maple Grove West Planned Unit Development, south of the Union Pacific Railroad and west of 98th Street - Amend Parcel A to Include 1.31 Acres of Unzoned Property, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the second reading of the ordinance.

Vote 14-374: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

August 25, 2014

Vote 14-375: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 14-376: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - west side of 6th Street (from Maple Street to 170 feet south), west side of 6th Street (from Railroad Avenue to 129 feet north), and south side of Giles Street (from Valley West Drive to 162 feet east), initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the second reading of the ordinance.

Vote 14-377: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the second reading of the ordinance.

Vote 14-378: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 14-379: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) Issuance of \$13,375,000 General Obligation Bonds, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Appoint Registrar and Paying Agent and Resolution - Authorizing the Issuance; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.

August 25, 2014

Vote 14-380: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Midwest Technology Business Park, generally located at the northeast corner of Booneville Road and South 88th Street - Establish Planned Unit Development (PUD) to Establish Business Park Use and Development Regulations, initiated by Madison Lee Properties, LLC

Mayor Pro tem Trevillyan noted staff is recommending continuing the Public Hearing to September 22, 2014.

It was moved by Messerschmidt, second by Sandager to adopt Motion to Continue the Public Hearing to September 22, 2014.

Vote 14-381: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider Roger's Farm, south and adjacent to Stagecoach Drive and west of Pheasant Ridge - Establish Planned Unit Development (PUD) for Medium Density Ground, initiated by Civic Parkway Associates, LC. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 8, 2014 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with one member abstaining due to a potential conflict of interest and two member absent, the Plan and Zoning Commission recommended City Council approval of the proposed PUD Ordinance.

Mayor Pro tem Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance.

Vote 14-382: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Council member Trimble expressed appreciation for the stipulations that had been negotiated with the Pheasant Ridge residents.

August 25, 2014

Vote 14-383: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider 39th Street Reconstruction Project - E.P. True Parkway to Railroad Tracks, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 15, 2014 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Corell Contractors.

The Council expressed excitement to see this project move forward and commended staff for helping make it happen.

Vote 14-384: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider 2013 Sidewalk Improvement Project - Phase I, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on August 15, 2014 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Company.

Vote 14-385: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Mayor Pro tem Trevillyan indicated this was the time and place for a public hearing to consider 139 6th Street Fiber Optic Connection Project, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice

August 25, 2014

was published on August 15, 2014 in the Des Moines Register. Mayor Pro tem Trevillyan asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Trevillyan asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Baker Electric, Inc.

Vote 14-386: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Brownstones at Greenway Crossing Plat 8, south of Bishop Drive between 90th Street and 92nd Street - Subdivide Property into 57 Lots for Townhome Development and One Outlot for Streets and Open Space, initiated by Greenway Square, LLC

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 14-387: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Silverwood Plat 4 - northeast corner of South 88th Street and Coachlight Drive - Subdivide Property into Nine Single Family Lots, One Outlot, and One Public Street Lot, initiated by Jerry Bussanmas, LLC

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Applicant installing the 10' Public Trail located along South 88th Street and adjacent to Silverwood Plat 4 prior to issuance of the last occupancy permit, including temporary occupancy permit for the last dwelling on a lot created with this plat; and
2. Applicant installing the required buffer park landscape vegetation located along South 88th Street and adjacent to Silverwood Plat 4 prior to issuance of the last occupancy permit, including temporary occupancy permit for the last dwelling on a lot created with this plat.

Vote 14-388: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

August 25, 2014

On Item 7(c) Maple Grove West Plat 5, south of the Union Pacific Railroad and west of 98th Street - Subdivide Property into Three Lots for Single Family Development, One Lot for Future Development, Two Outlots for Buffers, and Two Public Street Lots, initiated by Maple Grove West, LLC

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant providing final drawings of the preliminary plat which addresses staff comments prior to the construction of any improvements on the site and prior to the final plat proceeding to the City Council for approval.
2. Applicant acknowledging that the associated Final plat must be approved and released for recordation by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat;
3. The applicant providing as-built information for the detention facilities which provide storm water management for any property within this plat's area prior to issuance of a final occupancy permits, for any building on any parcel created with this plat.
4. The applicant acknowledging that an executed maintenance easement agreement and maintenance covenant will need to be executed prior the final plat proceeding to the City Council for approval. As part of the maintenance covenant the Applicant will be responsible to provide a letter certifying the detention facility is in conformance with the approved storm water management plan and as-builts of the detention facility. Letter and as-builts will need to signed/sealed in accordance with Chapter 6, 193C-6.1(542B) of the Iowa Code and submitted prior to occupancy of the last house constructed in the plat.

Vote 14-389: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) DSM05 Alluvion, southeast corner of South 8th Street and Pine Avenue - Approval of Site Plan for Installation of Site Infrastructure and Building Footings and Foundations, initiated by Microsoft

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant agreeing that any site infrastructure work, including utilities and building footings and foundations done to the site prior to the approval of a subsequent site plan which contains all site development details is at their own risk, and that the final site

August 25, 2014

development will need to comply with any changes that are deemed necessary as part of those subsequent approvals;

2. The applicant acknowledging that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval is required before any above ground work can be started;
3. The applicant constructing all internal roads which are intended to provide for emergency access and/or circulation, including temporary construction roads, to accommodate 75,000lbs gross vehicle weight (gvw). Said roads shall be maintained 365 days a year, including the plowing of snow unless otherwise agreed upon in writing by the City's Fire Marshal; and
4. The applicant abiding by all Fire and Building Codes and obtaining all appropriate permits prior to commencing work at the site.

Vote 14-390: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 7 (Noise Control) - Amend City Code to Make Minor Revisions to the City's Regulation of Noise Control and the Sound Permit Approval Process, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance.

Vote 14-391: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 14-392: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Removal of School Days No Parking Restriction near Phenix Elementary School, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Sandager to consider the first reading of the ordinance.

August 25, 2014

Council member Mickelson stated he sits on the State Historical Society of Iowa Board, and he has heard a lot of positive feedback from people about the City's proposal to purchase the Phenix Elementary School to preserve it and convert it into apartments.

Vote 14-393: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 14-394: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Lisa Dreyer Resignation - Bicycle Advisory Commission - Received and Filed

On Item 9 - Other Matters

The meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Kevin L. Trevillyan, Mayor Pro tem